

CITY OF GRANDE PRAIRIE

BYLAW C-1384

A Bylaw to Establish a Code of Conduct for Elected Officials

WHEREAS, pursuant to section 146.1(1) of the *Municipal Government Act*, a council must establish a bylaw which governs the conduct of councillors;

AND WHEREAS, pursuant to section 153(e.1) of the *Municipal Government Act*, councillors have a duty to adhere to the code of conduct established by the council;

AND WHEREAS the public is entitled to expect the highest standards of conduct from the members it elects to council for the City of Grande Prairie;

AND WHEREAS the establishment of a code of conduct for members of council is consistent with the principles of transparent and accountable government;

AND WHEREAS a code of conduct ensures that members of council share a common understanding of acceptable conduct extending beyond the legislative provisions governing the conduct of councillors;

AND WHEREAS certain principles should govern the conduct of the members of council, in order that they shall maintain the highest standards in public office and faithfully discharge the duties of office.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CITY OF GRANDE PRAIRIE, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

1. TITLE

1.1 This Bylaw shall be called the “Council Code of Conduct Bylaw”.

2. DEFINITIONS

2.1 In this Bylaw:

2.1.1 “Act” means the *Municipal Government Act*, RSA 2000, Chapter M-26, and amendments thereto.

2.1.2 “Administration” means all employees of the City.

2.1.3 “Adjudicator” means the Person appointed by the Complaint Adjudication Committee to adjudicate Complaints of alleged breaches of this Bylaw.

2.1.4 “Applicant” means the registered owner of land or his representative or agent certified as such applying for re-designation, subdivision or development approval of land situated within the City of Grande Prairie.

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- 2.1.5 “Bias” means common law Bias and includes situations where an Elected Official has prejudged a matter to be decided to the extent of that Person being no longer capable of persuasion. In situations where the Elected Official is engaged in a “quasi-judicial” function or role, Bias will also include situations where the Elected Official may be perceived as being incapable of deciding the matter fairly. Situations leading to a reasonable perception of Bias includes the following:
- a) relationships with individuals involved in the matter: Where the Elected Official has a “sufficiently close” personal relationship with someone who has a direct interest in the outcome of the decision, that relationship may give rise to a “reasonable apprehension of Bias”;
 - b) outside knowledge or involvement with the matter: The primary concerns in this scenario is that the Elected Official will be unable to avoid making use of information that he obtained outside the hearing thereby violating the rule that all parties “must know the case to be met” and be given full opportunity to respond to all relevant information that may form the basis of the Elected Official’s decision; or
 - c) inappropriate comments, activity or behaviour: If an Elected Official makes any comments or engages in any activity or behaviour which is consistent with the Elected Official being perceived by a “reasonable Person” as not being impartial, this may result in a finding of Bias.
- 2.1.6 “Board” means a Council Board, Commission or Committee.
- 2.1.7 “Board Member” means an Elected Official appointed to a Council Board, Commission or Committee by Council.
- 2.1.8 “Bullying” means repeated and hostile or demeaning behaviour by an individual, either directly or through any medium whatsoever, where the behaviour results in harm, fear or distress to one or more individuals in the municipality including, but not limited to, physical harm, psychological harm or harm to an individual’s reputation and the determination of whether behaviour is Bullying will be determined based on what a “reasonable Person” would perceive to be Bullying.
- 2.1.9 “Censure Motion” means a motion passed by Council prescribing consequences for noncompliance with this Bylaw.
- 2.1.10 “City” means the municipal corporation of the City of Grande Prairie.
- 2.1.11 “City Manager” means the Chief Administrative Officer for the City pursuant to the *Act*.
- 2.1.12 “Complainant” means the Person who makes a Complaint, because that Person has reasonable grounds to believe that the conduct of an Elected Official has contravened this Bylaw.
- 2.1.13 “Complaint” means a complaint, whether formal or informal, made by a Complainant, that the conduct of an Elected Official has contravened this Bylaw.
- 2.1.14 “Complaint Adjudication Committee” or “Committee” means the Committee established by Council to deal with Complaints, as described in Section 6.

2.1.15 “Conflict of Interest” means a situation where the personal or private interest of an Elected Official actually may influence, or may be perceived as influencing, the Elected Official on a matter of public interest that is before Council, including situations which may result in Bias. A Conflict of Interest situation may also include using:

- a) the influence of the position of the Elected Official;
- b) confidential information;
- c) the services of Administration;
- d) City materials; or
- e) City facilities;

for the actual or expected personal or private gain or advancement of the Elected Official.

Further, a Conflict of Interest situation may include the use of the influence of an Elected Official to advance the specific interests of family members, friends, neighbours, business associates or other associates of an Elected Official.

2.1.16 “Council” means the Council of the City and includes the Mayor, Deputy Mayor, and Councillors as Elected Officials.

2.1.17 “Councillor” means an Elected Official of the Council of the City but does not include the Mayor or the Deputy Mayor.

2.1.18 “Deputy Mayor” means the deputy chief Elected Official appointed by Council pursuant to the *Act*.

2.1.19 “Developer” means a Person that develops or proposes to develop land situated within the City.

2.1.20 “Development” means re-designation, subdivision or other type of development pursuant to the *Act* and/or the City’s Land Use Bylaw that will involve Council or a Board as the decision-maker.

2.1.21 “Elected Official” means a duly elected member of Council for the City.

2.1.22 “Harassment” includes, but is not limited to:

- a) written or verbal comments, Social Media posts, actions, gestures or other behaviours that are humiliating, offensive, hurtful or belittling;
- b) intimidation;
- c) Bullying;
- d) the abuse of authority;
- e) the deliberate exclusion of an Elected Official, Board Member or Administration from relevant work activities or decision making; or
- f) an attempt to discredit an Elected Official, Board Member or Administration by spreading false information about him/her.

2.1.23 “In Camera” means all or part of a meeting that is closed to the public pursuant to the *Act*.

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- 2.1.24 “Independent Legal Counsel” means a lawyer or legal firm which is not employed by or acts as legal counsel for the City.
- 2.1.25 “Investigation” means the process of investigating Complaints and of determining the evidence and facts related to a Complaint, alleging that an individual is in breach of this Bylaw.
- 2.1.26 “Investigator” means the Person or Persons responsible for conducting the Investigation of a Complaint.
- 2.1.27 “Mayor” means the chief Elected Official of the City, whether elected or appointed, pursuant to the *Act*.
- 2.1.28 “Person” means without limiting the generality of the term, any individual, or any business entity including, but not limited to, a firm, partnership, association, corporation, society, or legal entity.
- 2.1.29 “Pecuniary Interest” has the same meaning pursuant to the *Act*.
- 2.1.30 “Respondent” means the Elected Official whose conduct is the subject of a Complaint, made by a Complainant, pursuant to this Bylaw.
- 2.1.31 “Sexual Harassment” means unwanted sexual advances, requests for sexual favours or other verbal or physical conduct of a sexual nature that:
- a) implicitly or explicitly makes submission to such conduct a term and condition of an individual’s work;
 - b) affects access to employment;
 - c) creates an unwelcome, intimidating, hostile or offensive work environment;
 - d) intimidates, embarrasses, offends, coerces or humiliates an individual in the workplace; or
 - e) arises out of a relationship that is not based on mutual consent.
- For the purposes of this Bylaw, workplace includes any locations where a Council meeting or Board meeting takes place.
- 2.1.32 “Social Media” refers to freely accessible, third-party hosted, interactive web-based technologies used to produce, post and interact through text, images, video and audio to inform, share, promote, collaborate or network.
- 2.1.33 “Special Interest Group” means a Person, group of people or an organization who attempts to influence City policy or decision making in a way that benefits a particular set of interests, causes or issues.
- 2.1.34 “Violence” means the threatened, attempted or actual conduct of a Person that causes, or is likely to cause, physical injury, whether it occurs at the workplace or is work-related.
- 2.1.35 Words importing a gender shall also include every other gender whenever the context so requires.

2.1.36 Words importing the singular shall include the plural whenever the context so requires and vice versa.

3. PURPOSE AND APPLICATION

3.1 The purpose of this Bylaw is to establish the standards of ethical conduct for Elected Officials in order to maintain public confidence in and respect for the City's government and to establish a process for the investigation of Complaints and for the enforcement of the standards of conduct, pursuant to this Bylaw.

3.2 This Bylaw applies to all forms of communication.

3.3 Each Elected Official must comply with and uphold this Bylaw when carrying out his duties as Mayor, Deputy Mayor or Councillor, including during his attendance at Council meetings, at Board meetings, and at all times when acting as a representative of the City.

4. CODE OF CONDUCT

4.1 For the purpose of providing ethical and effective leadership for the City, the Council has included principles in this Bylaw to ensure that all Elected Officials act in the best interests of the City, as a whole.

4.2 This Bylaw is to be given a broad and liberal interpretation in accordance with applicable legislation. It will not cover every possible conduct scenario and, therefore, Elected Officials shall be guided by and must conduct themselves in a manner that reflects the spirit and intent of this Bylaw.

4.3 All Elected Officials shall comply with the standards of conduct outlined in this Bylaw.

General

4.4 Elected Officials shall act honestly, in good faith and shall consider the welfare and the best interests of the City as a whole, at all times.

4.5 Elected Officials shall uphold the laws of Canada and of Alberta, as well as the City's bylaws, Council policies and procedures.

4.6 Elected Officials shall respect the City as an institution, and shall encourage public respect for the City, its bylaws, Council policies and procedures.

4.7 Elected Officials shall not encourage disobedience by any Person of any City bylaws, Council policies or procedures, as this undermines public confidence in the City and in the rule of law.

4.8 Elected Officials shall fulfil all of the duties and obligations of Elected Officials, pursuant to the *Act*, to any other legislation and to any of the City's bylaws, Council policies and procedures which are applicable to their position.

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- 4.9 Elected Officials shall observe the highest standards of ethical conduct and shall arrange their private affairs in a manner that promotes public confidence and that will bear close scrutiny.
- 4.10 Elected Officials shall demonstrate fairness, accountability and impartiality in all matters.
- 4.11 Elected Officials shall avoid any situation which may result in a Conflict of Interest or may result in circumstances of either actual Bias or an apprehension of Bias.
- 4.12 Elected Officials shall avoid situations that may raise an apprehension that the Elected Officials are using their positions on Council or a Board to gain any kind of a personal benefit.
- 4.13 No Elected Official shall use the influence of the Elected Official's office for any purpose other than for the exercise of the Elected Official's official duties and/or for the betterment of the City or the community in general.
- 4.14 Elected Officials shall not make improper use of their positions as Elected Officials to:
- a) gain or attempt to gain or advance, directly or indirectly, a personal or private interest for themselves or another Person;
 - b) cause or attempt to cause detriment to the City, any Elected Officials, Boards, Board Members, Administration, any member of the public or third parties; or
 - c) seek personal benefit or gain from any information obtained through positions as an Elected Official or Board Member.
- 4.15 Elected Officials shall respect the personal opinions of all Elected Officials and Board Members.
- 4.16 Elected Officials shall act with integrity, professionalism and respect when interacting with other Elected Officials and with Board Members, Administration, members of the public or other government officials.
- 4.17 Elected Officials shall keep in confidence all matters discussed In Camera at Council or Board meetings until that matter is discussed at a public meeting or otherwise required by law. This includes receiving emails or from any other source.
- 4.18 Elected Officials shall publicly express any personal opinions in a way that maintains respect for Council, for any Board, for all Elected Officials, Board Members and Administration and for any majority decisions made by Council or a Board.
- 4.19 Unless authorized by Council to represent Council's position on an issue, Elected Officials shall ensure that if they make any public statements related to that issue, that the Elected Officials clearly state that such statements only reflect their personal opinions, not the opinion or position of Council.

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- 4.20 Unless authorized by a Board to represent that Board's position on an issue, Elected Officials shall ensure that if they make any public statements related to that issue, that the Elected Officials clearly state that such statements only reflect their personal opinions, not the opinion or position of the Board.

Decision Making

- 4.21 Decision making authority lies with Council, and not with any individual Elected Official. Council may only act by bylaw or resolution passed at a Council meeting held in public at which there is quorum present. No Elected Official shall, unless authorized by Council, attempt to bind the City or give direction to employees in Administration, agents, contractors, consultants or other service providers or prospective vendors to the City.
- 4.22 Elected Officials shall engage in respectful and healthy debate on matters in Council or Board meetings and shall approach decision-making with an open mind. To accomplish this, all Elected Officials should be given a full opportunity to address issues before Council, or a Board in a fully open and professional manner.
- 4.23 Elected Officials shall actively participate in all meetings of Council or Boards respectfully, responsibly and in a manner that is consistent with the City's Procedure Bylaw.
- 4.24 Elected Officials shall publicly support a majority decision validly made by Council, whether by way of a bylaw or a resolution, and shall support publicly the majority decision validly made by a Board.
- 4.25 Elected Officials shall ensure that any public statement made by an Elected Official, stating that he did not vote with the majority of Council or a Board on an issue, is made in a manner that respects the decision of Council or the Board and of other Elected Officials and Board Members.

Conduct at Meetings

- 4.26 Elected Officials shall conduct themselves with decorum and make every effort to participate diligently in the meetings of Council, and any Boards to which they have been appointed by Council.
- 4.27 Elected Officials shall comply with the provisions of the City's Procedure Bylaw and with any other rules of meeting that are applicable.
- 4.28 Elected Officials shall act in a manner that demonstrates fairness, respect for individual differences and the intention to work together for the common good, the best interests of the City and in furtherance of the public interest.
- 4.29 Elected Officials shall endeavour to conduct and convey Council and Board business and all of their duties in an open and transparent manner, other than for those matters which, by virtue of legislation, are authorized to be dealt with In Camera, in a confidential manner and in so doing, allow the public to view the process and the rationale used to reach decisions and the reasons for taking certain actions.

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- 4.30 Elected Officials have a duty to participate in Council and in meetings of any Board to which they have been appointed by Council and required to attend pursuant to the *Act* or Council policies, as applicable.
- 4.31 Elected Officials have a duty to vote on all matters put to a vote unless an Elected Official is required or permitted to abstain, pursuant to the *Act*.

Use of City Assets and Services

- 4.32 Elected Officials shall not use electronic devices provided by the City for business use that is not related to their duties as Elected Officials. However, use of City electronic devices for their own personal use is allowed, if such use complies with Council policies and procedures.
- 4.33 Elected Officials shall not misuse any City resources, property, equipment, services, information, supplies or staff resources to pursue their private interests or the private interest of a third party. However, it shall be permissible for an Elected Official to act in their personal capacity to access City resources, property, equipment, services, information, supplies or staff resources in the same manner as a member of the public.
- 4.34 Electronic devices provided by the City are the property of the City, and shall, at all times, be treated as the City's property. Elected Officials shall have no expectation of privacy in the use of these devices or City's email addresses and further that:
- a) all emails or messages sent or received on City devices are subject to Alberta's *Freedom of Information and Protection of Privacy Act*;
 - b) all files stored on City devices, all use of internal email and all use of the internet through the City's firewall may be inspected, traced or logged by the City; and
 - c) in the event a Complaint is made pursuant to this Bylaw, Council may require that any or all of the electronic devices provided by the City to an Elected Official or a Board Member may be confiscated and inspected as part of the investigation, including downloading information which is considered relevant to the investigation. All email messages or internet connections may be retrieved.
- 4.35 Elected Officials shall not obtain financial gain from the use or sale of City-developed intellectual property (for example, inventions, creative writings and drawings), computer programs, technological innovations, or other patent, trademark or copyright held by the City. All such property remains exclusively that of the City.
- 4.36 Elected Officials shall not use information gained in the execution of their duties that is not available to the public, for any purposes other than the official duties of the Elected Officials. However, it shall be permissible for an Elected Official to use information which is available to the public in the same manner as a member of the public.

Expenditures

- 4.37 Elected Officials shall avoid waste, abuse and extravagance in the provision or use of public monies and resources.

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- 4.38 Elected Officials shall be transparent and accountable with respect to all expenditures.
- 4.39 Elected Officials shall strictly adhere to all City bylaws, Council policies and procedures related to expenditures and reimbursement.

Interaction with Administration and with the Public

- 4.40 Elected Officials shall treat one another, Administration and all members of the public with professionalism, courtesy and respect.
- 4.41 Elected Officials shall not abuse their relationships or dealings with Administration by attempting to take advantage of their positions as Elected Officials.
- 4.42 Elected Officials will, at all times, refrain from behaviour that may be perceived to be Harassment of Administration, including behaviour exhibiting intimidation and coercion.
- 4.43 Elected Officials shall only contact Administration through the City Manager or his designate and Elected Officials shall not give directions to Administration, either publicly or privately.
- 4.44 Elected Officials shall treat all individuals in good faith and without Bias and shall not discriminate against any Person on the basis of:
- a) differences in personal opinions; or
 - b) race, ancestry, place of origin, colour, ethnic origin, culture, citizenship, religion, creed, language, gender, sexual orientation, age, family status, disability or occupation.
- 4.45 An Elected Official shall not:
- a) involve himself or herself in matters of Administration, which fall within the jurisdiction of the City Manager, pursuant to the *Act*, including providing direction to Administration on how to conduct City operations;
 - b) use or attempt to use his authority or influence for the purpose of intimidating, threatening, coercing, commanding or influencing Administration with the intent of interfering in their duties; or
 - c) maliciously or falsely injure the professional or ethical reputation or the employment prospects of Administration.

Attendance at Orientation, Meetings and Other Training

- 4.46 Elected Officials shall attend:
- a) orientation at the start of each Council term; and
 - b) any training organized at the direction of Council or mandated by the Province of Alberta.
- 4.47 Elected Officials are responsible for participating in Council and Board meetings to which they are appointed by Council.

External Communications

- 4.48 Council acknowledges and respects that Elected Officials have the legal right to express their personal opinions, whether those opinions are complimentary or critical, subject to those limits prescribed by law. However, Elected Officials shall not speak on behalf of Council or on behalf of a Board unless they have been authorized to do so.
- 4.49 Public statements, statements to the media or the release of information conveying the City's position or decisions on matters made by Council will only be communicated by the Mayor or, in his absence, the Deputy Mayor.
- 4.50 An Elected Official who is authorized to act as Council's official spokesperson must ensure that his comments accurately reflect the official position and the will of Council as a whole, even if the Elected Official disagrees with Council's position.
- 4.51 Public statements, statements to the media or the release of information conveying a Board's position or decisions on matters made by the Board will only be communicated by the Board's Chair or, in his absence, the Board's Vice Chair. In the absence of both the Chair and Vice Chair, the Acting Chair will be responsible for all such communications.
- 4.52 Elected Officials shall not make a statement when they know that statement is false.
- 4.53 Elected Officials shall not make any statement with the intent to mislead Council, Board Members or members of the public.

Use of Social Media

- 4.54 Elected Officials shall act with discretion and exercise caution with respect to all material they post on Social Media and shall follow Council policies and procedures as applicable.

Pecuniary Interest

- 4.55 Elected Officials have a personal responsibility to review and ensure they understand the meaning of a Pecuniary Interest in a matter pursuant to the *Act* and they shall adhere to such requirements.
- 4.56 The decision with respect to whether or not an Elected Official may have a Pecuniary Interest in a matter is a decision that must be made by the individual Elected Official.
- 4.57 Elected Officials each have an individual responsibility to seek independent legal advice from Independent Legal Counsel, at the City's expense, with respect to any situation that may result in questions respecting a Pecuniary Interest of an individual Elected Official.

Conflict of Interest

- 4.58 The decision with respect to whether or not an Elected Official may have a Conflict of Interest must be made by the individual Elected Official.
- 4.59 Elected Officials each have an individual responsibility to seek independent legal advice, at the City's expense, with respect to any situation that may result in a Conflict of Interest of the individual Elected Official.

Gifts and Benefits

- 4.60 Since the receipt of gifts can result in a perceived Conflict of Interest, Elected Officials shall not accept gifts or benefits that would, to a reasonable member of the public, appear to be in gratitude for influence, to induce influence, or otherwise to go beyond the necessary and appropriate public functions involved.
- 4.61 With the exception of tokens of appreciation and minor gifts, having an estimated value under two hundred (\$200.00) dollars, Elected Officials shall provide a written declaration to be registered with the Legislative Services Manager or his designate detailing the acceptance of any gifts, including the estimated value of the gift and the name of the donor of the gift.
- 4.62 This Bylaw does not apply to:
- a) gifts donated to the community of the City; or
 - b) gifts or hospitality that are normally received as a matter of protocol or social obligations that normally accompany the position of an Elected Official or a Board Member and that are not related to any particular transaction or activity of the City or to any decision by Council or a Board.
- 4.63 Gifts received by an Elected Official on behalf of the City, as a matter of official protocol, which have significance or historical value for the City shall be left with the City when that Elected Official ceases to hold office.
- 4.64 For greater clarity, these provisions do not in any way restrict Elected Officials from accepting compensation or other benefits authorized by law that they may be entitled to receive in connection with the performance of their duties, including but not limited to Council remuneration and benefits approved by Council.

Bias

- 4.65 An Elected Official shall be free from Bias with respect to any matter that requires a decision of Council or a Board.
- 4.66 Elected Officials may attend open houses or exchange communication with potential Applicants, Developers and Special Interest Groups prior to the submission of a Development application to the City and Elected Officials should:

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- a) communicate that any opinions expressed by the Elected Official are personal opinions and do not in any way represent the possible opinion or ultimate decision of either Council or a Board, with respect to a potential Development;
 - b) either refrain from providing information related to the City's Development application process or ensure that it is made clear to potential Applicants, Developers or Special Interest Groups that the Elected Official can provide only general, non-binding information on the Development application process but cannot advise or comment on a Development's chance of success;
 - c) suggest that the Applicant, Developer or Special Interest Group should seek Independent Legal Counsel; and
 - d) if applicable, encourage potential Applicants, Developers or Special Interest Groups to seek preliminary information on their Development proposal from Administration, through the pre-application process.
- 4.67 Upon an Elected Official becoming aware that a Development application has been filed with the City, where Council or a Board will have a decision-making role in the Development approval process or where an Elected Official is a member of the Subdivision and Development Appeal Board and the matter may be appealed, Elected Officials should not meet with the Applicants, Developers or Special Interest Groups to discuss the Development prior to the public hearing, formal consideration of the Development application by Council, the Board or appeal hearing and decision being issued by Council, the Board or the Subdivision and Development Appeal Board.
- 4.68 Elected Officials shall direct all Development and Development appeal inquiries to Administration.
- 4.69 Elected Officials should refuse to accept any information forwarded to them by an Applicant, Developer or Special Interest Group with respect to a pending Development. However, if such information is forwarded to an Elected Official, that information should be forwarded to the Legislative Services Manager, who will record the information received and determine what further distribution or disclosure of the information is required.
- 4.70 In the event that a Development application should proceed to any type of court proceeding, no meeting between Elected Officials, Board Members, Applicants, Developers or Special Interest Groups should take place.

Use and Disclosure of Information

- 4.71 Elected Officials shall not use information gained through their positions on Council or a Board for any private or personal benefit or gain.
- 4.72 Elected Officials shall inform themselves of the *Freedom of Information and Protection of Privacy Act*, with respect to the access to gathering, use and disclosure of information and shall not release, disclose, publish or comment on confidential information, including any information received In Camera, until such information is disclosed at a public meeting as part of an approved agenda.

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- 4.73 Elected Officials shall not release information that is subject to solicitor-client privilege or to litigation privilege unless expressly authorized by Council or by a Board or if they are required by law to do so.
- 4.74 Elected Officials shall not misuse confidential information that they have knowledge of by virtue of their positions as an Elected Official or Board Member, which is not in the public domain, including emails and correspondence from other Elected Officials, Board Members or third parties.

Election Related Activity

- 4.75 Elected Officials must not utilize their positions to gain an unfair advantage over election candidates who are not Elected Officials.
- 4.76 Elected Officials shall not misuse municipal resources, including facilities, property, equipment, services, supplies, staff time or other resources of the City, for any election campaign or election related activities, whether local, provincial or federal. However, it shall be permissible for an Elected Official to act in their personal capacity to access City resources, property, equipment, services, information, supplies or staff resources in the same manner as a member of the public.

5. WORKPLACE HARASSMENT, SEXUAL HARASSMENT AND VIOLENCE

General

- 5.1 Council is committed to discouraging behaviours that create an unproductive or negative environment in the workplace.
- 5.2 Elected Officials shall recognize the following:
- a) acts of Violence can take the form of physical contact or the threat of Violence, either overt or covert;
 - b) abuse in any form erodes the mutual trust and confidence that are essential to the City's operational effectiveness;
 - c) acts of Violence destroy individual dignity, lower morale, create fear and break down work unit cohesiveness;
 - d) acts of Violence may occur as a single event or may involve a continuing series of incidents;
 - e) acts of Violence can involve both men and women; and
 - f) acts of Violence may be directed by or towards Elected Officials, Board Members, Administration, or members of the public.
- 5.3 Any act of Harassment, Sexual Harassment or Violence committed either by or against any Elected Official is unacceptable and such conduct will not be tolerated.
- 5.4 Elected Officials shall with due consideration to the division of responsibilities between Council, Boards and Administration, comply with the following principles:

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- a) to endeavour to prevent Harassment, Sexual Harassment and Violence in the workplace;
 - b) to promote a workplace free from Harassment, Sexual Harassment and Violence, in which all people respect one another and work together to achieve common goals;
 - c) to attend educational or training sessions that address Harassment, Sexual Harassment or Violence in the workplace, as required by the City;
 - d) to address all incidents of Harassment, Sexual Harassment or Violence which individual Elected Officials witness or which they become aware of;
 - e) to ensure that incidents of Harassment, Sexual Harassment or Violence are investigated in an objective and timely manner, pursuant to this Bylaw;
 - f) to take necessary action in response to incidents of Harassment, Sexual Harassment or Violence; and
 - g) to ensure that appropriate support is provided for Complainants of Harassment, Sexual Harassment or Violence.
- 5.5 The Complaint process in this Bylaw applies to Complaints of workplace Harassment, Sexual Harassment or Violence. This includes the use of either or both of this Bylaw's formal or informal processes, which may involve an investigation of the Complaint, in order to resolve the Complaint.
- 5.6 Before a Complaint of Harassment, Sexual Harassment or Violence is made, the Complainant is encouraged to advise the Complaint Adjudication Committee.
- 5.7 In relation to an allegation of Harassment, Sexual Harassment or Violence, the Complainant may choose to follow either the formal or informal Complaint process pursuant to this Bylaw.
- 5.8 An incident involving workplace Violence constitutes an accident that has the potential to cause serious injury to a worker pursuant to the *Occupational Health and Safety Act*. As a result, the City must investigate the incident and prepare and maintain a report.
- 6. COMPLAINT PROCESS**
- 6.1 Council shall establish policies and procedures to be followed for the reporting, investigation and adjudication of Complaints.
- 6.2 A Complaint alleging a breach of conduct by an Elected Official pursuant to this Bylaw may be made by an Elected Official, a Board Member, Administration or by any other Person.
- 6.3 Council shall establish a Complaint Adjudication Committee ("Committee") within sixty (60) days of passing this Bylaw. The Committee has the authority to and may appoint an independent third party as an Adjudicator to adjudicate a Complaint alleging a breach of conduct under this Bylaw. The Committee may also appoint a third-party Investigator, if the Committee determines, either based on the request and information provided by an Adjudicator or otherwise, that one is required to investigate a Complaint.

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- 6.4 An Elected Official who is the subject of a Complaint or of a Complaint Investigation shall be afforded procedural fairness, including an opportunity to provide a response to the Complaint allegations to the Adjudicator, to an Investigator, to the Committee and to Council, before Council deliberates and makes any decision or any sanction is imposed.
- 6.5 The Committee may appoint an Adjudicator to hear multiple Complaints or it may appoint an Adjudicator to hear a particular Complaint.

Complaints

- 6.6 A Complaint made shall be in writing to the Committee and shall be dated and signed by an identifiable individual. The Complaint shall contain the following information:
- a) the name and contact information of the Complainant;
 - b) the nature of the Complaint;
 - c) the name of any Respondent;
 - d) copies of any letters, memos, e-mail messages or other documents or materials that support the Complaint; and
 - e) the name of any witness to any incident related to the Complaint.
- 6.7 The Complaint shall set out the Elected Official's alleged breach of conduct under this Bylaw, including a detailed description of the facts, as they are known, giving rise to the Complaint allegation.
- 6.8 The Investigation and adjudication of the Complaint shall comply with the provisions of the Council Code of Conduct Complaint Policy 121 and Complaint Reporting and Investigation Process Procedure 121•1.

7. BYLAW COMPLIANCE AND SANCTIONS

- 7.1 Elected Officials shall comply with this Bylaw and shall uphold the letter and the spirit and intent of this Bylaw.
- 7.2 Elected Officials are expected to cooperate in every way possible in securing compliance with the application and enforcement of this Bylaw.
- 7.3 An Elected Official who is the subject of an Adjudicator's or Committee's report to Council may respond to the written report In Camera, before Council deliberates and makes any decision or any sanction is imposed.
- 7.4 In responding to the written report, Council may vary any recommendation made by the Adjudicator or Committee that recommends a sanction or a Censure Motion, except where such direction would be contrary to the *Act*.
- 7.5 Council may decide to apply one or more of the following sanctions to an Elected Official for a contravention of this Bylaw:
- a) a private verbal or written warning;

- b) a public verbal or written warning; or
- c) a Censure Motion pursuant to this Bylaw, as determined by Council, in order to restore the accountability of the Elected Official.

8. CENSURE MOTION

- 8.1 In determining an appropriate Censure Motion to impose for a contravention of this Bylaw, Council must have a practical rationale for doing so in the interest of proportionality and fairness. Once a Censure Motion has been passed, only a motion of Council can rescind the Censure Motion unless the Motion was date specific.
- 8.2 Censure Motions that Council may apply in response to a substantiated Complaint against an Elected Official are as follows:
- a) a letter of reprimand addressed to the Elected Official;
 - b) requesting the Elected Official to issue a letter of apology;
 - c) publication of a letter of reprimand or request for apology and the Elected Official's response;
 - d) suspension or removal of the appointment of an Elected Official as the deputy chief Elected Official or acting chief Elected Official under section 152 of the *Act*;
 - e) suspension or removal of the chief Elected Official's presiding duties under section 154 of the *Act*;
 - f) suspension or removal of an Elected Official from some or all Council or Boards to which Council has the right to appoint members;
 - g) reduction or suspension of remuneration as defined in section 275.1(1) of the *Act* corresponding to a reduction in duties, excluding allowances for attendance at Council meetings; and
 - h) any other sanction Council deems reasonable and appropriate in the circumstances provided that the sanction does not prevent a member of Council from fulfilling their legislated duties and the sanction is not contrary to the *Act*.

9. REVIEW

- 9.1 This Bylaw shall be brought forward for review and update between the first and second year of each term of Council, when relevant legislation is amended, and at any other time that Council considers appropriate to ensure that it remains current and continues to accurately reflect the standards of ethical conduct expected of members of Council.

10. EFFECTIVE DATE

10.1 This Bylaw shall take effect on the date it is passed.

READ a first time this 6th day of May , 2019.

READ a second time this 6th day of May , 2019.

READ a third time and finally passed this 6th day of May , 2019.

“B. Given” (signed)
Mayor

“S. Walker” (signed)
Corporate Services Director